

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CANDACE NARISSA STURKEY,

Plaintiff,

v.

VETERANS ADMINISTRATION HOSPITAL,

Defendant.

ORDER

08-cv-217-slc

On June 5, 2008, this court attempted for the second time to hold the preliminary pretrial conference in this lawsuit. For the second time plaintiff Candace Narissa Sturkey did not participate. After Sturkey failed to participate in the scheduled May 23, 2008 telephonic preliminary pretrial conference, this court contacted her both telephonically and in writing to explain to her what was happening and why it was important for her to contact the court and participate in the next hearing. Sturkey never contacted the court, never contacted the government, and as noted, did not participate in the hearing.

The government reported that it intends to file a motion to dismiss based on Sturkey's alleged failure to file an administrative claim regarding the damage to her car. I gave the government until June 13, 2008 within which to file and serve that motion. Once Ms. Sturkey has received this motion, she may have 21 calendar days within which to file and serve a written response. This means she must send a copy of her response directly to this court and a copy of

her response directly to the attorney representing the government. The government may then have 10 calendar days within which to file and serve a reply.

Even though Sturkey has failed twice to appear at hearings in this case, I am willing to hold a telephonic status conference with her and the government's attorney if Sturkey requests it. At that time, the court can explain what is happening in this case and why, and answer any other procedural questions that Sturkey might have. It is up to Sturkey, however, to request such a conference. This court is doing everything it can to insure that Sturkey gets a chance to be heard, but Sturkey has an obligation to meet the court halfway.

Entered this 6th day of June, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge